

UNITED STATES DISTRICT COURT
Eastern District of Washington

BRUCE P. KRIEGMAN,

Plaintiff,

v.

1418490 ONTARIO, LTD., CHERYL BIRNER, et al,

Defendants.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: CV-12-482-RMP

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED 1.) Monetary Judgment in the amount of CAD \$12,500.00, pursuant to 11 U.S.C. § 550 and RCW 19.40.071. 2.) Transfers in the amount of CAD \$12,500.00 made to the Defendant Cheryl Birner within four years prior to the Petition Filing Date are hereby avoided and Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW 19.40.071. 3.) All said transfers to Defendant Cheryl Birner are hereby set aside and Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant Cheryl Birner for the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§ 544, 550 and 551. 4.) All proofs of claim of the Defendant Cheryl Birner which have been filed or brought or which may hereafter be filed or brought by, on behalf of, or for the benefit of any of the Defendant Cheryl Birner or her affiliated entities, against the Debtor's estate, in this bankruptcy or related bankruptcy proceedings, are hereby disallowed and subordinated to the monetary judgment granted herein and Defendant Cheryl Birner shall not be entitled to collect on her proof of claim (Claim No. 177-1) until the monetary judgment is satisfied by Defendant Cheryl Birner in full, pursuant to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a). 5.) A constructive trust is hereby established over the proceeds of all transfers in favor of the Trustee for the benefit of the estate of LLS America; and 6.) Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00 USD, for a total judgment of CAD \$12,500.00, plus \$250.00 USD, which shall bear interest equal to the weekly average of one-year constant maturity (nominal) treasury yield as published by the Federal Reserve System.

November 1, 2012

Date

JAMES R. LARSEN

Clerk

s/ Cheryl Switzer

(By) Deputy Clerk

Cheryl Switzer